

Sec. 129. Injunction to restrain collection. Every person, who for himself or for another, violates any of the provisions of the preceding section, may be restrained by injunction from continuing to do any of the acts therein prohibited, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person.

Sec. 130. Termination of lease. Upon a violation of any provision of this title committed upon real estate occupied by a tenant, his agent, servant, clerk, employee or anyone claiming under him, the landlord of such premises, by himself or agent, may, in writing, notify such agent, tenant, or the person in possession of said leased premises, to the effect that he has terminated such lease and demands possession thereof within three days after the giving of such notice, and, after the expiration of said three days, may recover possession thereof in an action of forcible entry and detainer, without further notice to quit, upon proof of the violation of any provision of this title committed upon such real estate and of the giving of such notice.

Approved March 17, 1924.

## CHAPTER 36

### HOUSES OF PROSTITUTION

#### H. F. 52

AN ACT to amend, revise, and codify sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, and sections ten hundred thirty-two (1032), ten hundred thirty-five (1035), and ten hundred thirty-six (1036) of the compiled code of Iowa, relating to houses of prostitution.

Be It Enacted by the General Assembly of the State of Iowa:

That sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Houses of prostitution - equipment - nuisance - injunction. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purposes of lewdness, assignation, or prostitution is guilty of a nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, or prostitution is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided.

Sec. 2. Injunction - procedure. When a nuisance is kept, maintained, or exists, as defined in this chapter, the county attorney, or any citizen of the county, or any society, association, or body incorporated under the laws of this state, may maintain an action in equity in the name of the state of Iowa, upon the relation of such county attorney, citizen, or corporation to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same from further conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists, from further permitting such building or ground or both to be so used.

Sec. 3. Notice - temporary writ - without bond. The defendants shall be served with notice as in other actions and in such action the court, or judge in vacation, shall upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if the existence of such nuisance shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony, or otherwise as the complainant may elect, unless the court or judge by previous order, shall have directed the form and manner in which such evidence shall be presented.

Sec. 4. Owners defined - unknown owners - publication of notice. The person in whose name the real estate affected by the action stands on the books of the county auditor, for the purpose of taxation, shall be presumed to be the owner thereof, and in case of unknown persons having or claiming any ownership, right, title, or interest in property affected by the action, such may be made parties to the action by designating them in the notice and petition as "all other persons unknown claiming any ownership, right, title, or interest in the property affected by the action" and service thereon may be had by publishing such notice in the manner prescribed for the publication of original notices in ordinary actions. Any person having or claiming such ownership, right, title, or interest, and any owner or agent in behalf of himself and such owner may make, serve and file his answer therein within twenty (20) days after such service, and have trial of his rights in the premises by the court; and if said cause has already proceeded to trial or to findings and judgment, the court shall by order fix the time and place of such trial and shall modify, add to, or confirm such findings and judgment as the case may require. Other parties to said action shall not be affected thereby.

Sec. 5. Temporary restraining order. Where a temporary injunction is prayed for, the court or judge in vacation, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments, and movable property used in conducting the alleged nuisance, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon.

Sec. 6. Writ - how served. The restraining order may be served by handing to and leaving a copy of said order with any person in charge of said property or residing in the premises or apartment wherein the same is situated, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such premises or apartment where such nuisance is alleged to be maintained, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property situated in and used in conducting or maintaining such nuisance. Where such order is posted, mutilation or removal thereof, while the same remains in force, shall be contempt of court, provided such posted order contains thereon or therein a notice to that effect.

Sec. 7. Notice of hearing - answer. Three (3) days' notice in writing shall be given the defendants of the hearing of the application for temporary injunction, and if then continued at the instance of defendant, the temporary writ, as prayed shall be granted as a matter of course. Each defendant so notified shall serve upon the complainant or his attorney a verified answer on or before the date fixed in said notice for said hearing, and such answer shall be filed with the clerk of the district court of the county wherein such cause is triable, but the court may allow additional time for so answering, providing such extension of time shall not prevent the issuing of said temporary writ as prayed for.

The allegations of the answer shall be deemed to be traversed without further pleading. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of the injunction or temporary restraining order herein provided, shall be a contempt and punished as hereinafter provided.

Sec. 8. Action - when tried - reputation - evidence. The action when brought shall be triable at the first term of the court. In such action evidence of the general reputation of the place shall be competent for the purpose of proving the existence of said nuisance and shall be prima facie evidence of such nuisance and of knowledge thereof and of acquiescence and participation therein on the part of the owners, lessors, lessees, users, and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form of property used in conducting or maintaining said nuisance.

Sec. 9. Dismissal - delay in trial - costs. If the complaint is filed by a citizen or a corporation, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the county attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the county attorney to prosecute said action to judgment at the expense of the county, and if the action is continued more than one (1) term of court, any citizen of the county or the county attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen or a corporation and the court finds there were no reasonable grounds or cause for said action, the costs may be taxed to such citizen or corporation.

That section ten hundred thirty-two (1032) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Abatement - sale of property - building closed - contempt. If the existence of the nuisance be admitted or established in an action as provided in this chapter, or in a criminal proceeding in the district court, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments, or movable property used in conducting the nuisance, and shall direct the sale of such in the manner provided for the sale of chattels under execution, and shall direct the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of (1) year, unless sooner released as hereinafter provided. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property, on execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Sec. 11. Breaking closed building punished. If any person shall break and enter or use a building, erection, or place so directed to be closed, he shall be punished as for contempt as provided in this chapter.

That section ten hundred thirty-five (1035) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 12. Assessment of tax - lien. When a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purpose prohibited by this chapter, there shall be imposed upon said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a tax of three hundred dollars (\$300.00). The imposing of said tax shall be made by the court as a part of the

proceeding, and the clerk of said court shall make and certify a return of the imposition of said tax forthwith to the county auditor, who shall enter the same as a tax upon the property and against the persons upon which or whom the lien was imposed as and when the other taxes are entered, and the same shall be and remain a lien on the land upon which such lien was imposed until fully paid. Any such lien imposed while the tax books are in the hands of the auditor shall be immediately entered therein. The payment of said tax shall not relieve the persons or property from any other penalties provided by law.

Sec. 13. Collection of tax - disposition of proceeds. The provisions of the law relating to the collection of taxes in this state, the delinquency thereof, and sale of property for taxes shall govern in the collection of the tax herein prescribed in so far as the same are applicable, and the said tax collected shall be applied in payment of any deficiency in the costs of the action and abatement on behalf of the state to the extent of such deficiency after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the remainder of said tax together with the unexpended portion of the proceeds of the sale of personal property shall be distributed in the same manner as fines collected for the keeping of houses of ill fame, except that twenty per cent (20%) of the amount of the whole tax collected and of the whole proceeds of the sale of said personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

That section ten hundred thirty-six (1036) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 14. Tax assessed against person served or appearing. When such nuisance has been found to exist under any proceeding in the district court or as in this chapter provided, and the owner or agent of such building or ground whereon the same has been found to exist was not a party to such proceeding, nor appeared therein, the said tax of three hundred dollars (\$300.00) shall, nevertheless, be imposed against the persons served or appearing and against the property as in this chapter set forth.

Approved January 23, 1924.

#### CHAPTER 37

#### STATE FIRE MARSHAL

S. F. 53

AN ACT to amend, revise, and codify chapter ten (10) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to the state fire marshal and the prevention and investigation of fires; to provide the method of procedure in effecting appeals; also to provide a penalty for a violation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter ten (10) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code, is amended, revised, and codified to read as follows:

#### CHAPTER 10

#### STATE FIRE MARSHAL